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File No. Medical II/48

Legal **DEPARTMENT**

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Subject:— Rules and Notifications under the Bombay Medical Act, 1912.

P.3 G

File No. Medical II/48

Std. Sectt. Slip 24 B e.

384-B

CONTENTS.

Legal Department File No. Medical XI/42

No.	R.I./	O.M.	Subject	pages
			Rules & Notifns. under the D'Way Medical Act, 1912	
1.	—	[illegible]	Sec. 20 Whether provision regarding distinction as to the nationality of a Medical practitioner can be made in a notifn. under the ——	1-2

M.H.D.
22-9-26
G.J

2615

K.S.R.
2615

Office of the R.L.A.

Section 20 of the Bombay Medical Act, 1912 (Bom.VI of 1912), provides that if it shall appear to the provincial Government, on the report of the Medical Council or otherwise, that the course of study and examination prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Provincial Government from time to time by notification in the Official Gazette to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, and the Schedule shall thereupon be deemed for all purposes to be so altered accordingly. As will be seen from the preamble of the Act, the Act has been enacted for the purpose of providing registration of medical practitioners in the presidency of Bombay. With that end in view section7 provides what persons are entitled to be registed under the Act. Sub-section(3) of section 7 provides specifically that the Provincial Government may after consulting the Medical Council permit the registration of any a person who was actually practising medicine in the Bombay Presidency before the 25th day of June 1912(This would have included M.D.(Paris) if any person holding such degree existed then). The Act does not lay so much stress upon the class of persons holding a medical qualification as upon the intrinsic worth of such qualification. Accordingly in the Schedule to the Act were entered some of the qualifications considered to be good by the Legislature for entitling the holders thereof to be registered under the Act and section 20 further empower the Provincial Government to add such qualifications in the Schedule, as would secure to the the holders the requisite knowledge and skill for the efficient practice of their profession and to direct that the possession of such qualifications entitles a person to be registed under the Act. The possession of M.D. (Paris) degree by any person other than an Indian National would not render him less qualfied for the efficient practice of his profession under the Bombay Medical Act. No such distinction as to the nationality of a medical practitioner is contemplated by the Act and no provision on the lines indicated by the Medical Council can be made in a notification under section 20 of the Act.

P.T.O.

Sd/- P.M.L.
18-5

Remembrancer of Legal Affairs.

U.R. to Health and Local Government Department, No.4759 dated the 18th May 1948.

M.R.D.
22-5-36
C.4